

**In the United States District Court for the
Eastern District of New York**

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CAPITOL 7 FUNDING,

Plaintiffs,

v.

**WINGFIELD CAPITAL
CORPORATION, ET. AL.**

Defendants.
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**DECLARATION IN
SUPPORT OF
DEFENDANT'S
MOTION TO SET
ASIDE DEFAULT**

Civil Action No.
17-cv-2374(RRM)(ST)

STEVEN A. METCALF II declares, pursuant to 28 U.S.C. 1746, under the penalty of perjury, that the following is true and correct:

1. I am partner at Metcalf & Metcalf, P.C., the attorneys of record for Defendants Wingfield Capital Corporation (hereafter referred to as “Wingfield”), and individual Defendants Burgis Sethna and Heath Wagenheim (hereafter collectively referred to as “Defendants Sethna” or “Defendants”).

2. As such, I am fully familiar with the files, materials, facts and information that my Firm maintains regarding this litigation and through those files and materials with the facts set forth herein.

3. This Declaration is submitted in support of the relief requested in the

annexed Notice of Motion.

4. Annexed as **Exhibit “A”** is a true and correct copy of Plaintiff’s counsel Request for Certificate of Default on July 20, 2020 (ECF# 84) against Defendant Health Wagenheim. Along with the request, the Plaintiff filed a Declaration in Support of Request for Certificate of Default (ECF# 84-1) and the Affidavit of Process Server that was filed (ECF# 84-2).

5. Annexed as **Exhibit “B”** is a true and correct copy of Request for Certificate of Default on July 20, 2020 (ECF# 85) against Defendant Sethna. Along with the request, the Plaintiff filed a Declaration in Support of Request for Certificate of Default (ECF# 85-1) and the Affidavit of Process Server that was filed (ECF# 85-2).

6. Annexed as **Exhibit “C”** is a true and correct copy of the Clerk’s entry of default against Defendant Health Wagenheim on July 27, 2020 (ECF #90), and the clerk’s entry of Default against defendant Wingfield Capital Corporation. Along with the clerk’s entry, Plaintiff filed a Declaration in Support of Request for Certificate of Default (ECF# 88-1). Lastly, **Exhibit C** encompasses the Affidavit of Service that was filed (ECF# 88-2).

7. Annexed as **Exhibit “D”** is a true and correct copy of entered default against Defendant on July 27, 2020 (ECF #90). without any submission or opposition from the defendant Wingfield, the Court entered default against Defendant on July

27, 2020 (ECF #90).

8. Annexed as **Exhibit “E”** is a true and correct copy Defendant’s Amended Answer to Plaintiff’s Second Amended Complaint.

Dated: January 4, 2021
New York, New York

Yours, etc.,

Steven A. Metcalf

Steven A. Metcalf II
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and Wingfield Capital Corp.*
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